

PUBLIC NOTICE

**US Army Corps
of Engineers®**

APPLICATION FOR PERMIT

Public Notice/Application No.: 2003-01073-SDM

Comment Period: July 14, 2003 through August 12, 2003

Applicant

Mr. Robert B. Stevens
Flood Control District Maricopa County
2801 West Durango Street
Phoenix, Arizona 85009
(602) 506-4073

Location

In the East Maricopa Floodway and Queen Creek at (Section 36, T1S, R6E and Sections 15 & 22, T2S, R6E), Gilbert, Maricopa County, Arizona.

Activity

To construct two flood retention basins (Chandler Heights and Rittenhouse) along the East Maricopa Floodway (EMF) to capture and retain the flood peak and reroute flows into the EMF, resulting in 22.4 acres of impact to the EMF and Queen Creek. For more information, see page 3 of this notice and attached drawings.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit application will be issued or denied under Section 404 of the Clean Water Act (33 U.S.C. 1344).

Comments can be e-mailed to sallie.mcguire@usace.army.mil or mailed to:

**U. S. Army Corps of Engineers
ATTENTION: Regulatory Branch (2003-01073-SDM)
3636 North Central Avenue, Suite 900
Phoenix, Arizona 85012-1939**

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- The applicant will be required to obtain water quality certification, under Section 401 of the Clean Water Act, from the Arizona Department of Environmental Quality and/or the U.S. Environmental Protection Agency. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency. For any proposed activity on land other than Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the Arizona Department of Environmental Quality. Section 401 of the Clean Water Act requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

Endangered Species- Preliminary determinations indicate that the proposed activity would not affect federally-listed endangered or threatened species, or their critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

To construct two flood retention basins (Chandler Heights and Rittenhouse) along the East Maricopa Floodway (EMF) to capture and retain the flood peak and reroute flows into the EMF. The EMF does not have the capacity to carry the 100-year flow without overtopping in several locations and downstream of Chandler Heights Road. By constructing these two basins and the associated facilities, peak flows in the EMF will be reduced to the point where the adequate freeboard in the channel can be maintained. The existing Queen Creek channel will be moved and rebuilt to allow slower velocities in order to avoid erosion and to help reduce the potential for flooding adjacent developed and undeveloped property. Approximately 1.5 acres of the affected Queen Creek contains dense vegetation with horizontal and vertical complexity, as well as riparian trees. The majority of the vegetation within the balance of the impacted areas consists of grasses and forbs.

The following activities are included in the proposed project and indicated on Figure 3:

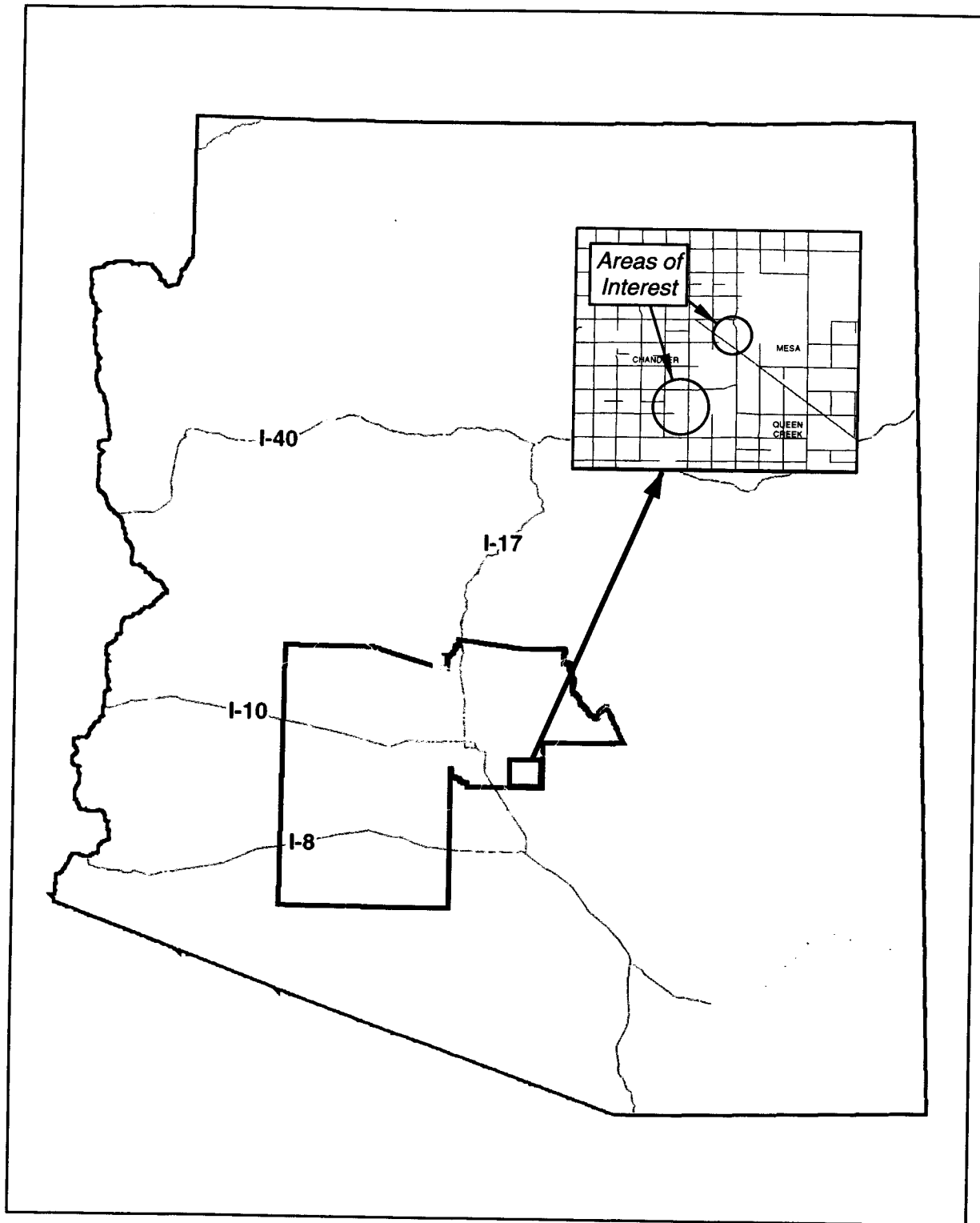
- W1: Between Higley Road Bridge and the EMF, Queen Creek will be filled and moved 100 feet (10.9 acres of impact).
- W2: Modifications to EMF channel 2500 feet upstream of the current drop structure; current drop will be replaced with a new structure, the EMF will be deepened by six feet between the two drop structures, and rip rap will be added to the new drop structure (11.50 acres of impact).
- W3: Deepening the existing EMF sediment basin (excavation only).
- W4: Constructing outlets in the embankment of the EMF adjacent to the Rittenhouse Basin (temporary impacts only from equipment access in the EMF, this area is not shown on Figure 3).

Proposed Special Conditions

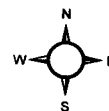
To be developed.

For additional information please call Sallie D. McGuire at (602) 640-5385 x 221. This public notice is issued by the Chief, Regulatory Branch.

PROJECT LOCATION in Arizona



CHANDLER HEIGHTS and RITTENHOUSE BASIN

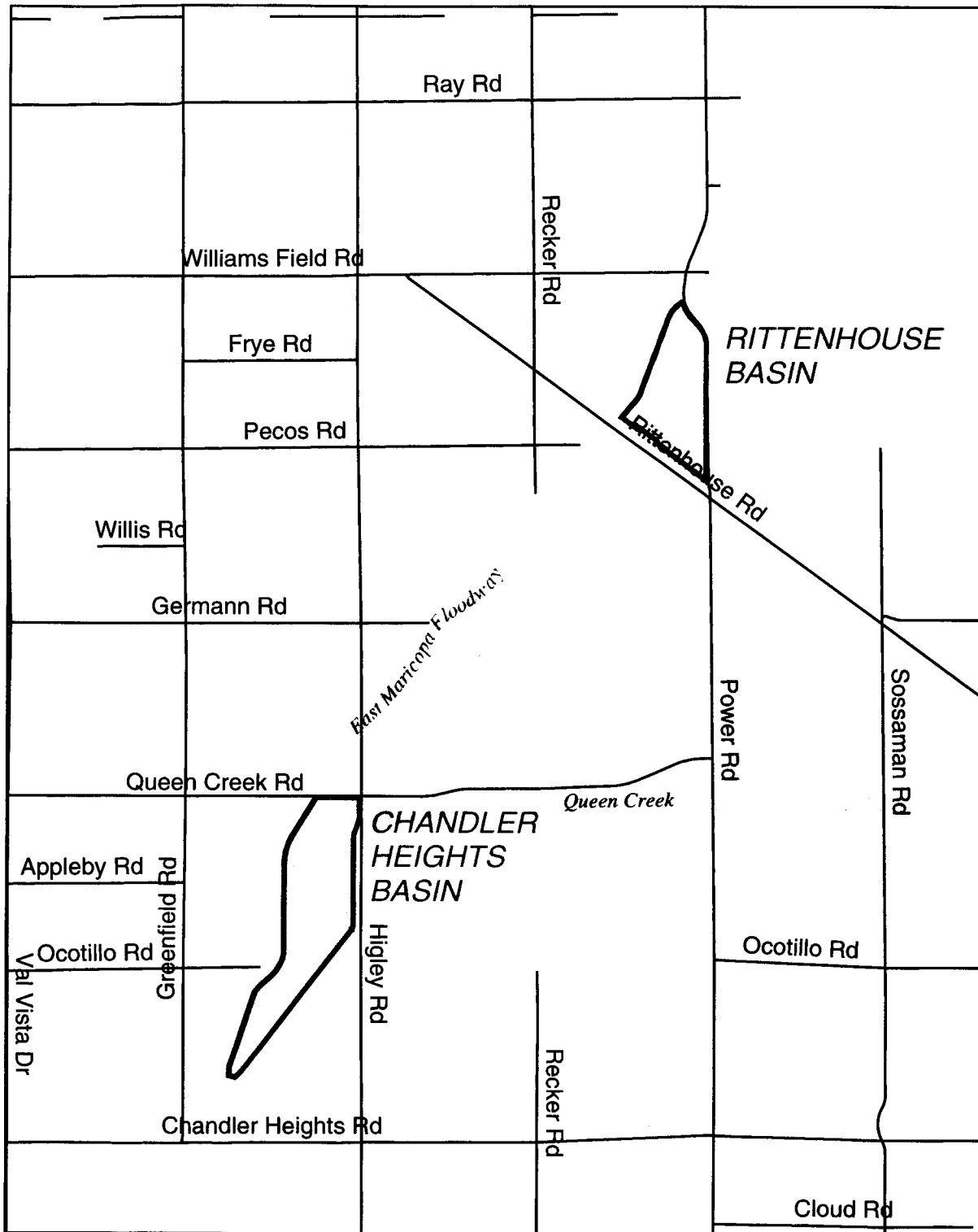


Flood Control District of Maricopa County
February 2003

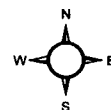
File #2003-1073-SDM
Figure 1 of 3

NOT TO SCALE
FOR LOCATION ONLY

PROJECT VICINITY



CHANDLER HEIGHTS and RITTENHOUSE BASIN

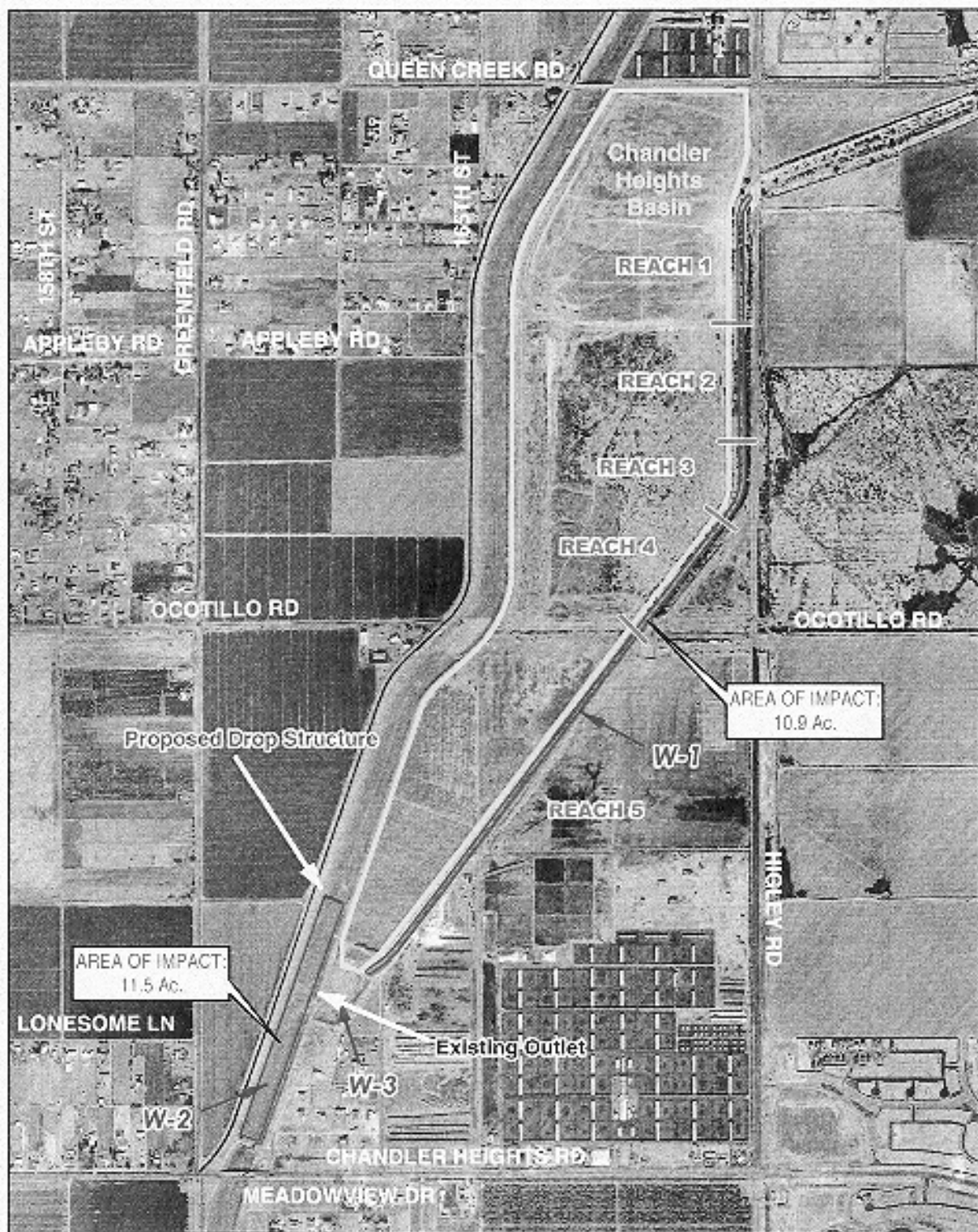


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Figure 2 of 3

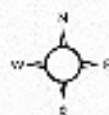
NOT TO SCALE
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404 Jurisdictional Impacts for Chandler Heights Basin



0 750 1,500 Feet

Scale: 1" = 1500'



Legend

- Proposed Drop Structure
- Area of Impact within WUS
- Chandler Heights Basin
- W-1 Type of Impact
- Approx. limit of Veg. survey

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Figure 3 of 3